

ORDINANCE NO.2015-_____

AN ORDINANCE AMENDING CHAPTER 9 "TRAFFIC CODE" OF THE CODE OF THE CITY OF JACINTO CITY BY ADDING SECTION 11 "ABANDONED VEHICLES AND PROPERTY" AT SUBSECTION "A" "PARKING OF CERTAIN VEHICLES PROHIBITED" TO REGULATE STOPPING, STANDING AND PARKING OF CERTAIN VEHICLES TRAILERS, MOTOR HOMES, BOATS OR RECREATIONAL VEHICLES OR RV TRAILERS; ON PRIVATE PROPERTY; ADDING SECTIONS 11 A, AND SECTIONS 12,13 AND 14 TO PROVIDE THAT VIOLATIONS OF REGULATIONS RELATING TO THE PARKING OF SUCH VEHICLES ARE CRIMINAL OFFENSES RATHER THAN CIVIL OFFENSES AND ADDING THE ILLEGAL PARKING OF SUCH VEHICLES TO THE LIST OF VIOLATIONS FOR WHICH TOWING IS AUTHORIZED; ADDING CHAPTER 9 OF CODE OF THE CITY OF JACINTO CITY BY ADDING ENFORCEMENT OF ORDINANCES REGULATING THE PARKING OF CERTAIN VEHICLES PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current City Code of JACINTO CITY does not adequately restrict where, and under what conditions, recreational vehicles, trailers, mobile homes, boats, motor homes, and other RV trailers may be parked on private property; and

WHEREAS, regulating where, and under what conditions, such vehicles may be parked on private property serves to protect the public health, safety and welfare; and

WHEREAS, the current City Code does not provide towing as an enforcement option for all such illegally parked vehicles including recreational vehicles or RV trailers on private property; and

WHEREAS, it is advisable to add towing as an enforcement option for all such illegally parked vehicles and recreational vehicles on private property; and,

WHEREAS, the City Council has held a series of public meetings to obtain citizen input concerning the need for regulation of where, and under what conditions, recreational vehicles, trailers, mobile homes, motor homes, boats, RV trailers and other similar vehicles may be parked on private property; and

WHEREAS, it is advisable to adopt regulations restricting the location and conditions under which such recreational and other such vehicles may be parked on private property; and

WHEREAS, it is the intent of the following regulation to establish standards and regulations for the parking of all trailers, recreational vehicles, boats, mobile homes, motor homes, and other RV trailers on private property, to add towing as an enforcement option for such illegally parked vehicles on private property, and to provide that violation of regulations relating to the parking of all such vehicles are criminal offenses to protect the health, safety and welfare of pedestrian, bicycle and motor vehicle traffic as well as the aesthetic quality and orderly development of all zoned districts;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACINTO CITY, TEXAS:

SECTION 1

. Chapter 9 "Traffic Code" of the Code of the City of JACINTO CITY is hereby amended by amending Section 11 A to change the definitions of recreational vehicle as follows:

Recreational Vehicle shall mean:

- 1) a recreational vehicle which exceeds twelve feet (12') in length, but is less than forty feet (40') in total length;
- 2) a boat or boat trailer or other trailer which exceeds twelve feet (12') in length, but is less than forty feet (40') in total length; or
- 3) a converted or partially converted bus or other vehicle which exceeds twelve feet (12') in length, but is less than forty feet (40') in total length.

Trailer shall mean:

- 1) An unpowered vehicle designed to be towed by a powered vehicle

SECTION 2

Section 1 1 A "Parking of Certain Vehicles Prohibited" of Chapter 9 "Traffic Code" of the Code of the City of JACINTO CITY is hereby amended to read as follows:

Except as specifically set forth below, it shall be unlawful for any person to park or allow to be parked any trailer or recreational vehicle on any property under his control on any portion of a front yard, side yard or rear yard of any area or district.

(a) Notwithstanding the provisions of Section 2 above, a trailer or recreational vehicle may be parked on a side yard or rear yard or front yard provided that it is parked on a solid surface or aggregate surface driveway in a manner that allows a clear view of the home's front door and street address from the center of the street, does not interfere with the use of a sidewalk and does not create a visual obstruction to drivers or pedestrians using the street or sidewalk. The owner of such trailer or recreational vehicle must maintain current license and or registration on the vehicle. Electrical power may be supplied to such vehicle for the purposes of maintaining batteries and or refrigerators. No water or sewer connections shall be made to a parked or stored RV. Slide extensions may be "deployed" so as to allow loading and unloading of RVs for a maximum of 48 hours. No persons may inhabit, camp in, sleep in or occupy any recreational vehicle parked or stored within the city.

(b) Notwithstanding the provisions of Section 2 above, a recreational vehicle may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance so long as such vehicle is parked in compliance with all relevant parking regulations.

(c) Notwithstanding the provisions of Section 2 above, a trailer or recreational vehicle may be parked in a permitted RV or mobile home park.

SECTION 3

Section 11 A "Parking of Certain Vehicles Prohibited" of Chapter "Traffic Code" of the Code of the City of JACINTO CITY is hereby amended by adding Section II A (l) to read as follows:

Section 11 A (1) Parking of Trailers and Recreational Vehicles.

Except as specifically set forth below, it shall be unlawful for any person to park or allow to be parked any recreational vehicle on any property under his control on any portion of a front yard, side yard or rear yard of any area or district.

(a) Notwithstanding the provisions of Section 2 above, a trailer or recreational vehicle may be parked on a side yard or rear yard or front yard provided that it is parked on a

solid surface or aggregate surface driveway in a manner that allows a clear view of the home's front door and street address from the center of the street, does not interfere with the use of a sidewalk and does not create a visual obstruction to drivers or pedestrians using the street or sidewalk. The owner of such trailer or recreational vehicle must maintain current license and or registration on the vehicle. Electrical Power may be supplied to such vehicle for the purposes of maintaining batteries and or refrigerators. No water or sewer connections shall be made to a parked or stored RV. Slide extensions may be "deployed" so as to allow loading and unloading of RVs for a maximum of 48 hours. No persons may inhabit, camp in, sleep in or occupy any recreational vehicle parked or stored within the city.

(b) Notwithstanding the provisions of Section 3(a) and (b) above, a trailer or recreational vehicle may be parked on a driveway or other lawful parking area for up to seventy two (72) hours during any seven (7) day period for loading, unloading or maintenance so long as such vehicle is parked in compliance with all relevant parking regulations.

(c) Notwithstanding the provisions of Section 3(a) and (b) above, a trailer or recreational vehicle may be parked in a permitted RV or mobile home park.

SECTION 4

Section 11 "Parking of Certain Vehicles Prohibited " of Chapter 9 "Traffic Code" of the Code of the City of JACINTO CITY is amended by adding Section 4 (a) to read as follows:

Section 4 (a) Violations; Penalties.

Any violation of the provisions of Sections 1 1 A of this Chapter shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) plus court costs for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5

Section 11 A "Abandoned Vehicles and Other Property at Subsection "A" "Parking of Certain Vehicles Prohibited" of Chapter 9 "Traffic Code" of the Code of the City of JACINTO CITY is amended by adding Section 5 (a) to read as follows:

Section 5 (a) Towing and Impoundment of Certain Vehicles Authorized.

162.4 Any vehicle found on any private property, public street or other public place under any circumstances hereinafter set forth and recreational vehicle parked on private property in violation of Section 1 1 A as amended of this chapter shall be deemed to be a nuisance per se, and may be towed away and impounded in the manner herein provided (provided, however, that such listed circumstances shall not be deemed exclusive or prohibit such towing and impoundment in any circumstances not listed):

(1) When any vehicle or any other property constitutes an obstruction to traffic by being left unattended upon any bridge, viaduct, or causeway, or in any underpass or tunnel;

(2) When any vehicle is illegally parked so as to block the entrance to any private driveway;

(3) When any vehicle is found upon a street, or highway, and information has been reported to the effect that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been stolen or embezzled;

(4) When a vehicle upon a street or highway is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(5) When a police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by law required to take the person arrested immediately before a magistrate; .

(6) When any vehicle is parked or standing in or on any portion of a street or highway in such a manner that the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of said vehicle is imperiled;

(7) When any vehicle is stopped or standing or parked in violation of any official sign or other traffic-control device where said sign or device gives notice of a tow-away zone;

(8) When any vehicle is stored on the public street, sidewalk, parkway or alley, according to the terms of this ordinance;

(9) When a vehicle is found to be an abandoned vehicle or a junked vehicle;

(10) When any vehicle is found parked on private property according to the terms of this ordinance;

(11) When any vehicle is found parked on a public street according to the terms of this ordinance; and

(a) Whenever the provisions of this section provide for the towing away and impoundment of any vehicle, such service shall be performed either by the city or its duly authorized representative.

(b) Whenever a vehicle is towed away and impounded under the provisions of this ordinance, the procedures set forth in this ordinance shall be followed, with regard to notice, hearing, appeal, release, storage fees, sale and disposition of the vehicle. .

SECTION 6

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense. .

SECTION 7

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of JACINTO CITY, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed. .

SECTION 8

IT IS HEREBY DECLARED to be the intention of the city Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 9

All rights and remedies of the City of JACINTO CITY, Texas are expressly saved as to any and all violations of the provisions of the Code of JACINTO CITY which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 10

The City Secretary of the City of JACINTO CITY, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of JACINTO CITY, Texas, as authorized by the Texas Local Government Code.

This ordinance shall take effect upon adoption and publication as required by law.

PASSED AND ADOPTED ON THIS THE _____ DAY OF _____, 2015.

ANA DIAZ, MAYOR

ATTEST:

JOYCE RAINES, CITY SECRETARY

PASSED AND ADOPTED ON THE SECOND AND FINAL READING _____ THIS DATE
OF _____, 2015.

ANA DIAZ, MAYOR

ATTEST:

JOYCE RAINES, CITY SECRETARY

APPROVED:

JM L. DEFOYD, CITY ATTORNEY